



*The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Division of Health Care Finance and Policy
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NOTICE OF PUBLIC HEARING

Pursuant to the provisions of M.G.L. c.118G and in accordance with M.G.L. c. 30A, as amended, a public hearing will be held on Thursday January 28, 2010, at 10:00 A.M. at the Division of Health Care Finance and Policy ("Division"), 2 Boylston Street, 5th floor, Boston, MA relative to the adoption of amendments to:

114.3 CMR 47.00: Freestanding Ambulatory Surgical Facilities

The proposed amendments, effective January 1, 2010, update the payment methodology and rates for ambulatory surgical services to reflect 2008-2009 changes in the national Medicare payment system for such services. Medicare intended the changes in its payment methodology to be budget neutral and the proposed amendments maintain budget neutrality for governmental purchasers.

The amendments establish payment rates equal to 90% of the 2009 national Medicare fees for freestanding ambulatory surgical facility services. The amendments also establish fees by individual procedure code rather than by procedure groups. Additionally, payments for certain ancillary services and surgically implanted devices, including Durable Medical Equipment (DME) and Prosthesis and Orthosis Services (POS), will be included in the fee for the surgery and no longer be paid for separately. Further, the amendments remove OB/GYN and dental procedure codes that are payable under other Division regulations. Finally, the amendments add new procedure codes; delete obsolete procedure codes; and update procedure code definitions and descriptors to reflect the 2009 *Current Procedural Terminology*. There is no fiscal impact on MassHealth as a result of these amendments; we anticipate no fiscal impact for other governmental purchasers, although actual impact depends on the mix of services used.

Interested parties are encouraged to submit comments on these amendments. All persons desiring to be heard on this matter are hereby notified to appear at the designated time and place. Persons intending to speak will be afforded an early opportunity to testify if the Division receives notice by 5:00 p.m. on Wednesday, January 27, 2010. All others will be heard subsequently. Written comments may be sent to the Division at Two Boylston Street, 5th floor, Boston, MA 02116.

Copies of the regulation are available for inspection and/or purchase at the Division, Two Boylston Street, 5th floor, Boston, MA 02116 or you can access them free of charge in the Regulations section of the Division's website located at www.mass.gov/dhcfp.